

United States District Court
Middle District Of Pennsylvania

Carlos A. Perez,
Petitioner,

v.

Janet Reno, et al.,
Respondents.

No. 3:00-CV-01960

Judge Yvette Kane

FILED
HARRISBURG

MAR 12 2001

MARY E. D'ANDREA, C
Per 918
DEPUTY CLERK

Motion For Partial Summary Judgement

Petitioner pro se persons and respectfully submits this motion.

PETitioner urges this Honorable Court to construe this motion liberally and cure all procedural errors as adjudged by the United States Supreme Court to States and Federal Court in *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

NOW COMES, the petitioner, Carlos A. Perez, in the above-captioned matter seeking for this Honorable Court to grant the petitioner relief and make the Immigration and Naturalization Service, hereinafter I.N.S., to comply with this Honorable Court, and to stop prolonging this courts ORDER's and adhere to this Honorable Court by ORDERING the I.N.S. to adhere in the future to such said ORDERS, which are always being disrespected by the I.N.S.

The petitioner asks this Honorable Court to continue with the Habeas Corpus filed by the petitioner pro se, even though I.N.S. will not answer this Honorable Courts ORDER to Show Cause to their mandatory detention, but in fact is a deliberate attempt to hold the petitioner incarcerated, because the I.N.S. knowingly has knowledge that the petitioner will be getting relief of a 212(c)

waiver with regards to retroactivity through the courts.

I.N.S. does not wish to release the petitioner from this unconstitutional detention, because it only makes their agency look bad for detaining someone when they should not have been detained in the first place. This Honorable Court should grant the habeas corpus because the I.N.S. will not adhere to this Courts ORDER, dated January 31, 2001, which told the I.N.S. to respond to the allegations within twenty (20) days of the ORDER. As of this date, March 6, 2001, which is 34 days later, the I.N.S. has not responded to this Honorable Court, because they would have served the petitioner as it is necessary to do so is this type of case. The Respondent has not complied in this case, just as the many other cases seen by the petitioner, they never comply with the Courts until forced to do such.

This Honorable Court should grant the habeas corpus, and give the petitioner his release from detention, and if this Honorable Court feels the need they may set bail to insure his appearance in court for future issues. The I.N.S. has failed to comply with the ORDER, and therefore any requests for a continuance at this stage should be mooted.

Wherefore, the foregoing reasons the petitioner prays for this Honorable Court to grant the relief requested or at minimum set bail in the interest of justice.

Dated March 6, 2001

Respectfully Submitted,



Carlos A. Perez
Snyder County Prison
600 Old Colony Road
Selinsgrove, Pa 17870

Certificate of Service

On this 6th day of March 2001, a copy of this motion was mailed to; U.S. District Court, 228 Walnut Street, Harrisburg, Pa 17108; I.N.S. 1600 Callowhill Road, Philadelphia, Pa, 19130.